

ESTTA Tracking number: **ESTTA420193**

Filing date: **07/18/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92053622
Party	Defendant Siggy Music, Inc.
Correspondence Address	CHARLES W GRIMES GRIMES BATTERSBY LLC 488 MAIN AVENUE THIRD FLOOR NORWALK, CT 06851 UNITED STATES rutherford@gandb.com, grimes@gandb.com
Submission	Motion to Amend/Amended Answer or Counterclaim
Filer's Name	Susan M. Schlesinger
Filer's e-mail	schlesinger@gandb.com, rutherford@gandb.com, grimes@gandb.com
Signature	/Susan M. Schlesinger/
Date	07/18/2011
Attachments	Registrant's Amended Answer, Affirmative Defenses and Counterclaim 071811.pdf (61 pages)(5693978 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 3,059,241

Mark: J5

-----X	:	
UMG RECORDINGS, INC.,	:	
	:	
Petitioner,	:	
	:	
-against-	:	Cancellation No. 92053622
	:	
SIGGY MUSIC, INC.,	:	
	:	
Registrant.	:	
-----X	:	

**REGISTRANT'S AMENDED ANSWER TO PETITION TO CANCEL,
AFFIRMATIVE DEFENSES, AND COUNTERCLAIM**

Registrant, Siggys Music, Inc. ("Registrant"), by its attorneys, hereby responds to the Petition to Cancel ("Petition") filed by Petitioner, UMG Recordings, Inc. ("Petitioner"), in correspondingly unnumbered and numbered paragraphs as follows:

Registrant admits that it is the owner of Registration No. 3,059,241 (the "Registration") for the mark J5 ("Registrant's Mark") for identified goods in International Class 25, registered on February 14, 2006, by Registrant's predecessor in interest. Registrant lacks knowledge or information sufficient to form a belief as to the remaining allegations contained in the first unnumbered paragraph of the Petition and, on that basis, denies them.

1. Registrant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Petition and, on that basis, denies them.

2. Registrant admits that Petitioner purports to be the record owner of the registration referenced in Paragraph 2 of the Petition, admits that Exhibit 1 to the Petition

appears to show the status of the referenced registration as of the date of filing of the Petition, and respectfully refers the Board to said registration for the contents thereof. Registrant denies the remaining allegations contained in Paragraph 2 of the Petition.

3. Registrant denies the allegations contained in Paragraph 3 of the Petition.

4. Registrant denies the allegations contained in Paragraph 4 of the Petition.

5. Registrant admits that, on February 22, 2001, its predecessor in interest, Futurist Entertainment, Inc. ("Applicant"), applied to register the J5 mark based on its bona fide intention to use the mark in commerce in connection with identified goods in International Class 25, which later were amended to include "clothing, namely, footwear, shoes, hats, caps, shirts, and jackets" (the "Application"). Registrant denies the remaining allegations contained in Paragraph 5 of the Petition.

6. Registrant admits that Applicant assigned the Application to Scruse Investments, Inc. ("Scruse Investments") on April 25, 2001. Registrant denies the remaining allegations contained in Paragraph 6 of the Petition.

7. Registrant admits that Applicant did not file an amendment under 15 U.S.C. § 1051(c) to bring the Application into conformity with 15 U.S.C. § 1051(a) and did not file a verified statement of use under section 15 U.S.C. § 1051(d) before assigning the Application to Scruse Investments. Registrant denies the remaining allegations contained in Paragraph 7 of the Petition.

8. Registrant denies the allegations contained in Paragraph 8 of the Petition.

9. Registrant admits the allegations contained in Paragraph 9 of the Petition.

10. Registrant admits that the Registration was issued on February 14, 2006 and that Scruse Investments later assigned the Registration to Registrant. Registrant denies the remaining allegations contained in Paragraph 10 of the Petition.

11. Registrant denies the allegations contained in Paragraph 11 of the Petition.

12. Registrant denies the allegations contained in Paragraph 12 of the Petition.

13. Registrant denies the allegations contained in Paragraph 13 of the Petition.

14. Registrant denies the allegations contained in Paragraph 14 of the Petition.

15. Registrant denies the allegations contained in Paragraph 15 of the Petition.

16. Registrant denies the allegations contained in Paragraph 16 of the Petition.

17. Registrant denies the allegations contained in Paragraph 17 of the Petition.

18. Registrant denies the allegations contained in Paragraph 18 of the Petition.

19. Registrant denies the allegations contained in Paragraph 19 of the Petition.

AFFIRMATIVE DEFENSES

20. Petitioner fails to state a claim upon which relief can be granted, and in particular, fails to state legally sufficient grounds for sustaining the Petition.

21. Scruse Investments is the successor to the business of Applicant to which Registrant's Mark pertains. Accordingly, Applicant properly assigned the Application in full conformity with 15 U.S.C. § 1060 (a).

22. Scruse Investments continuously used Registrant's Mark in commerce in connection with the clothing, namely, footwear, shoes, hats, caps, shirts, and jackets, as set forth in the Registration, from at least as early as November 1, 2004 until it assigned all of its rights in the Registered Mark and the Registration to Registrant on November 20, 2009.

23. Since November 20, 2009, Registrant has used and intends to continue to use Registrant's Mark in commerce in connection with the clothing, namely, footwear, shoes, hats, caps, shirts, and jackets, as set forth in the Registration.

24. Registrant has not abandoned its rights in the Registered Mark and has no intention of doing so in the future.

25. Scruse Investments filed the Application on February 22, 2001.

26. Upon information and belief, Petitioner did not commence use of the mark contained in the registration referenced in Paragraph 2 of the Petition until after February 22, 2001. Accordingly, Petitioner lacks priority, and Registrant's rights are superior to Petitioner's.

27. Registrant's Mark was published for opposition on December 18, 2001.

28. Despite the fact that Petitioner has had knowledge of Registrant's Mark since at least as early as December 18, 2001, Petitioner did not oppose the Application and has never objected to the Registration.

29. In reliance on Petitioner's silence, Registrant and Registrant's predecessor in interest have built up a valuable business and substantial goodwill around the Registered Mark during the past six and a half years.

30. Petitioner has unduly delayed in objecting to the Registration. As a result of Petitioner's undue delay, Registrant would be severely prejudiced by the cancellation of its Registration. Accordingly, Petitioner's claims are barred by laches, estoppel and acquiescence.

31. Upon information and belief, to the extent that Petitioner seeks to assert common law trademark rights in the designations JACKSON 5IVE or J5, Registrant alleges that Petitioner does not own trademark rights in either of these designations in connection with any goods or services.

32. Upon information and belief, to the extent that Petitioner or its alleged predecessors in interest have ever used the designations JACKSON 5, JACKSON 5IVE and/or J5 in connection with any goods or services other than musical sound recordings, they have ceased to use the aforementioned designations, with no intention to resume use, in connection with those goods long before Applicant filed the Application and long before any priority date upon which Petitioner can rely.

33. Petitioner abandoned whatever trademark rights it or its alleged predecessors in interest ever could have claimed to have owned in the designations JACKSON 5, JACKSON 5IVE and/or J5 in connection with any goods or services other than musical sound recordings long before Applicant filed the Application and long before any priority date upon which Petitioner can rely.

34. Specifically, Registration No. 965,809 for the mark JACKSON 5 for “entertainment services rendered by a vocal group” in International Class 41, registered on August 7, 1973, expired on May 8, 2004 for failure to renew.

35. Moreover, Petitioner is contractually estopped from using any such designations in connection with any goods or services other than musical sound recordings, pursuant to a settlement agreement and mutual release, dated January 1, 1980, between Registrant’s President and Motown Record Corporation, Petitioner’s alleged predecessor in interest.

36. Upon information and belief, to the extent that Petitioner or its alleged predecessor in interest has ever used the designations JACKSON 5IVE or J5 in connection with musical sound recordings, it has ceased to use the aforementioned designations, with no intention to resume use, in connection with those goods long before Applicant filed the Application and long before any priority date upon which Petitioner can rely.

37. Upon information and belief, to the extent that Petitioner or its alleged predecessor in interest has ever used the designation J5 in connection with musical sound recordings, it has failed to police the unauthorized use of the designation J5 in connection with musical sound recordings by third parties.

38. Petitioner abandoned whatever trademark rights it ever could have claimed to have owned in the designations JACKSON 5IVE or J5 in connection with musical sound recordings long before Applicant filed the Application and long before any priority date upon which Petitioner can rely.

39. Most significantly, there is no likelihood of confusion between Registrant's Registered Mark and the JACKSON 5 mark contained in the registration referenced in Paragraph 2 of the Petition.

40. The marks are sufficiently different such that confusion is unlikely. Although both marks contain the number "5", exclusive rights in the number "5" in the registration referenced in Paragraph 2 of the Petition are disclaimed apart from the mark as shown, because it is descriptive of the 5 members of the vocal group performing on the musical sound recordings. Accordingly, the JACKSON 5 mark must be considered in its entirety. When considered in its entirety, the JACKSON 5 mark is not confusingly similar to Registrant's J5 mark. The JACKSON 5 mark consists of 3 syllables containing 7 letters plus the number "5"; Registrant's mark consists of only 2 syllables containing 1 letter plus the number "5". Accordingly, the marks differ in appearance and pronunciation.

41. Moreover, the goods are sufficiently different such that confusion is unlikely. Musical sound recordings are completely dissimilar from the clothing identified in the Registration. Moreover, the goods are sold through different channels of trade. As such, there is

little proximity between the respective goods, and the registrations can safely co-exist without a hint of possible consumer confusion.

42. As further proof that Registrant's Mark is unlikely to cause confusion with the mark contained in the registration referenced in Paragraph 2 of the Petition, Registrant alleges that, upon information and belief, the marks have been used concurrently for more than six and half years without any evidence of actual confusion.

COUNTERCLAIM

43. Registrant owns U.S. Registration No. 3,059,241 for the mark J5 in connection with "clothing, namely, footwear, shoes, hats, caps, shirts, and jackets" in International Class 25 ("Registrant's Registration"). A true and correct printout of Registrant's Registration from the U.S. Patent and Trademark Office online Trademark Applications and Registration Retrieval ("TARR") database is attached hereto as Exhibit A.

44. Registrant's Registration is valid, subsisting, and in full force and effect. Registrant's Registration constitutes evidence of the validity of the J5 mark and of the registration itself, of Registrant's ownership of the J5 mark, and of Registrant's exclusive right to use the J5 mark in commerce in connection with the identified goods pursuant to Section 7(b) of the Lanham Act, 15 U.S.C. § 1057(b).

45. Petitioner asserts in Paragraph 2 of the Petition that Petitioner is the owner of U.S. Registration No. 2,881,064 for the mark JACKSON 5 in connection with "musical sound recordings" in International Class 9.

46. U.S. Registration No. 2,881,064 was obtained fraudulently in that in the formal application papers filed on August 13, 2003 by Petitioner's attorney of record, under notice of 18 USC § 1001, it was stated that "the trademark was first used in connection with the identified

goods at least as early as April 30, 1969, and was first used on the identified goods in interstate commerce at least as early as April 30, 1969.” A true and correct copy of Application Serial No. 76/536,394, which was printed from the USPTO’s Trademark Document Retrieval webpage is attached hereto as Exhibit B.

47. Said statement was false in that the true facts were as follows:

- (a) Upon information and belief, Petitioner had neither used the mark JACKSON 5 in connection with the identified goods nor used the mark JACKSON 5 in connection with the identified goods in interstate commerce at least as early as April 30, 1969 or at all prior to the application filing date;
- (b) Registrant bases its belief on the fact that Petitioner did not come into existence until 1998 (29 years after the alleged date of first use), when Seagram acquired PolyGram, and the newly combined music operations were renamed Universal Music Group. A true and correct printout of a webpage from Petitioner’s website located at <http://www.universalmusic.com/history> is attached hereto as Exhibit C;
- (c) To the extent that Petitioner seeks to claim that it is the successor in interest to the Motown record label (which first distributed sound recordings performed by the musical group “The Jackson 5”) and is thus entitled to rely upon the earlier activities of the Motown record label, Petitioner improperly failed to so state in its declaration, as required under 37 C.F.R. § 2.38(a). *See* Exhibit B attached hereto.

48. Said statement was made by an authorized agent of Petitioner with the knowledge and belief that said statement was false. Said false statement was a material misrepresentation

because Petitioner failed to comply with 37 C.F.R. § 2.38(a) and because the USPTO would not have granted Registration No. 2,881,064 in the absence of Petitioner attesting that Petitioner, or Petitioner's predecessor in title or a related company of Petitioner whose use inures to the benefit of Petitioner, had commenced use in commerce of U.S. Registration No. 2,881,064 in connection with the identified goods prior to the application filing date. Said false statement was made with the intent to induce authorized agents of the U.S. Patent and Trademark Office to grant said registration, and, reasonably relying upon the truth of said false statements, the U.S. Patent and Trademark Office did, in fact, grant said registration to Petitioner.

49. Registrant expects that evidence showing further factual bases for these allegations is likely to be obtained after a reasonable possibility for discovery or investigation in this cancellation proceeding.

50. Registrant was damaged by said false statement and the registration issued in reliance thereon in that, since November 1, 2004, Registrant or Registrant's predecessor in interest has continuously used Registrant's Mark in connection with "clothing, namely, footwear, shoes, hats, caps, shirts, and jackets" in International Class 25, and Registrant's continued and legal use of Registrant's Mark will be impaired by the continued registration of the JACKSON 5 mark by Petitioner.

51. U.S. Registration No. 2,881,064 was obtained fraudulently in that the formal application papers, as amended by authority granted by Petitioner's attorney of record on March 1, 2004, it was stated that "[Petitioner] is the owner of U.S. Registration No. 0965809." A true and correct copy of a March 1, 2004 Examiner's Amendment to Application Serial No. 76/536,394, which was printed from the USPTO's Trademark Document Retrieval webpage is attached hereto as Exhibit D.

52. Said statement was false in that the true facts were as follows:

- (a) Upon information and belief, Petitioner did not own Registration 0965809 on March 1, 2004, at the time the statement claiming ownership of Registration 0965809 was made, or at any time before or since.
- (b) Registrant bases its belief on publicly available U.S. Patent and Trademark Office records.
- (c) According to U.S. Patent and Trademark Office records, a document assigning Registration No. 0965809 from the registrant, The Gordy Company f/k/a Motown Record Corporation, to Motown Record Company, L.P., a Delaware limited partnership, was recorded with the USPTO on June 22, 1992. A true and correct copy of the Trademark Assignment Abstract for Registration No. 0965809, which was printed from the USPTO's Assignment Information webpage is attached hereto as Exhibit E.
- (d) According to the recorded assignment document, The Gordy Company f/k/a Motown Record Corporation assigned the entire interest and the goodwill in Registration 0965809 to Motown Record Company, L.P., a Delaware limited partnership, on June 11, 1992. A true and correct copy of the official assignment documents referenced in the USPTO's Trademark Assignment Abstract of Title for Registration No. 0965809, which are located at Reel/Frame 0878/0095-0878/0097, are attached hereto as Exhibit F.
- (e) According to U.S. Patent and Trademark Office records, a document assigning Registration No. 0965809 from Motown Record Company, L.P., a Delaware limited partnership, to MRAC, L.P., a California limited

partnership, was recorded with the USPTO on October 13, 1993. *See* Exhibit E.

(f) According to the recorded assignment document, Motown Record Company, L.P., a Delaware limited partnership, assigned the entire interest and the goodwill in Registration 0965809 to MRAC, L.P., a California limited partnership, on September 2, 1993. A true and correct copy of the official assignment documents referenced in the USPTO's Trademark Assignment Abstract of Title for Registration No. 0965809, which are located at Reel/Frame 1071/0223-1071/0230, are attached hereto as Exhibit G.

(g) According to U.S. Patent and Trademark Office records, a document purportedly assigning Registration No. 0965809 from Motown Record Company, L.P., a limited partnership (citizenship undesignated), to UMG Recordings, Inc., a Delaware corporation, was recorded with the USPTO on May 21, 2003. *See* Exhibit E.

(h) According to the recorded assignment document, Motown Record Company, L.P., a California limited partnership, purported to assign the entire interest and the goodwill in Registration 0965809 to UMG Recordings, Inc., a Delaware corporation, on May 14, 2003. A true and correct copy of the official assignment documents referenced in the USPTO's Trademark Assignment Abstract of Title for Registration No. 0965809, which are located at Reel/Frame 2737/0324-2737/0326, are attached hereto as Exhibit H.

(i) According to U.S. Patent and Trademark Office records, Motown Record Company, L.P., a Delaware limited partnership, remains identified as the

owner of record of U.S. Registration No. 0965809. A true and correct printout of U.S. Registration No. 0965809 from the U.S. Patent and Trademark Office online Trademark Applications and Registration Retrieval ("TARR") database is attached hereto as Exhibit I.

53. The purported assignment as described in Paragraph 52(h) was improper, because the purported assignor, Motown Record Company, L.P., a California limited partnership, did not own any interest or goodwill in Registration 0965809 at the time it purported to assign its entire interest and the goodwill in Registration 0965809, or at any time before or since.

54. Rather, MRAC, L.P., a California limited partnership, was the rightful owner of the entire interest and the goodwill in Registration 0965809 from September 2, 1993 until the expiration of that registration on May 8, 2004 and at all times in between, including as of March 1, 2004.

55. Accordingly, Petitioner did not acquire any interest or goodwill in Registration 0965809 as a result of the improper assignment document.

56. Said statement was made by an authorized agent of Petitioner with the knowledge and belief that said statement was false. Said false statement was a material misrepresentation because the USPTO would not have granted Registration No. 2,881,064 in the absence of Petitioner attesting that Petitioner owned Registration 0965809. Said false statement was made with the intent to induce authorized agents of the U.S. Patent and Trademark Office to grant said registration, and, reasonably relying upon the truth of said false statements, the U.S. Patent and Trademark Office did, in fact, grant said registration to Petitioner.

57. Registrant expects that evidence showing further factual bases for these allegations is likely to be obtained after a reasonable possibility for discovery or investigation in this cancellation proceeding.

58. Registrant was damaged by said false statement and the registration issued in reliance thereon in that, since November 1, 2004, Registrant or Registrant's predecessor in interest has continuously used Registrant's Mark in connection with "clothing, namely, footwear, shoes, hats, caps, shirts, and jackets" in International Class 25, and Registrant's continued and legal use of Registrant's Mark will be impaired by the continued registration of the JACKSON 5 mark by Petitioner.

WHEREFORE, Registrant prays that Petitioner's Petition be dismissed in its entirety with prejudice, that the Counterclaim be sustained, and that Registration No. 2,881,064 be canceled.

Dated: Norwalk, Connecticut
July 18, 2011

Respectfully submitted,

By: /Jessica S. Rutherford/
Charles W. Grimes, Esq.
Jessica S. Rutherford, Esq.
Grimes & Battersby, LLC
488 Main Avenue, Third Floor
Norwalk, CT 06851
(203) 849-8300
Attorneys for the Registrant, Siggy Music, Inc.

Exhibit A

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-07-13 16:49:49 ET

Serial Number: 76214316 Assignment Information Trademark Document Retrieval

Registration Number: 3059241

Mark(words only): J5

Standard Character claim: No

Current Status: A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, see TTABVUE on the Trademark Trial and Appeal Board web page.

Date of Status: 2011-02-15

Filing Date: 2001-02-22

Transformed into a National Application: No

Registration Date: 2006-02-14

Register: Principal

Law Office Assigned: LAW OFFICE 107

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-01-06

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SIGGY MUSIC, INC.

Address:

SIGGY MUSIC, INC.
284-C EAST LAKE MEAD PARKWAY SUITE 175
HENDERSON, NV 89015
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Nevada

GOODS AND/OR SERVICES

International Class: 025**Class Status:** Active

Clothing, namely, footwear, shoes, hats, caps, shirts, and jackets

Basis: 1(a)**First Use Date:** 2004-11-01**First Use in Commerce Date:** 2004-11-01

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-02-15 - Cancellation Instituted No. 9999999

2009-12-02 - Automatic Update Of Assignment Of Ownership

2009-11-25 - Automatic Update Of Assignment Of Ownership

2006-02-14 - Registered - Principal Register

2006-01-05 - Law Office Registration Review Completed

2005-12-30 - Assigned To LIE

2005-12-28 - Allowed for Registration - Principal Register (SOU accepted)

2005-12-09 - Amendment From Applicant Entered

2005-12-02 - Communication received from applicant

2005-12-02 - PAPER RECEIVED

2005-07-26 - NON-FINAL ACTION E-MAILED

2005-07-26 - SU - Non-Final Action - Written

2005-07-05 - Amendment From Applicant Entered

2005-06-20 - Communication received from applicant

2005-06-20 - PAPER RECEIVED

2005-04-21 - NON-FINAL ACTION E-MAILED

2005-04-21 - SU - Non-Final Action - Written

2005-04-07 - Statement Of Use Processing Complete

2005-03-07 - Use Amendment Filed

2005-03-07 - PAPER RECEIVED

2004-10-01 - Extension 5 granted

2004-09-10 - Extension 5 filed

2004-09-16 - PAPER RECEIVED

2004-08-19 - TEAS Change Of Correspondence Received

2004-07-21 - Case File In TICRS

2004-04-26 - Assigned To Examiner

2004-03-02 - Extension 4 granted

2004-02-17 - Extension 4 filed

2004-02-19 - PAPER RECEIVED

2003-09-17 - Extension 3 granted

2003-08-25 - Extension 3 filed

2003-08-25 - PAPER RECEIVED

2003-06-13 - Extension 2 granted

2003-03-11 - Extension 2 filed

2003-03-11 - Extension 1 granted

2002-09-12 - Extension 1 filed

2003-03-27 - PAPER RECEIVED

2003-04-28 - Petition To Revive-Granted
2003-03-17 - Communication Received From Petitioner
2003-03-17 - PAPER RECEIVED
2003-03-20 - Petition to Revive - Incomplete petition letter mailed
2003-01-21 - Petition To Revive-Received
2003-01-21 - PAPER RECEIVED
2003-01-13 - Abandonment - No use statement filed
2002-09-19 - Late filed extension request
2002-09-23 - PAPER RECEIVED
2002-03-12 - NOA Mailed - SOU Required From Applicant
2001-12-18 - Published for opposition
2001-11-28 - Notice of publication
2001-07-02 - Approved For Pub - Principal Register
2001-06-27 - Communication received from applicant
2001-06-27 - Examiner's amendment mailed
2001-06-20 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

HARVEY S. HERTZ

Correspondent

CHARLES W GRIMES
GRIMES & BATTERSBY LLC
488 MAIN AVENUE THIRD FLOOR
NORWALK, CT 06851
Phone Number:
Fax Number: (310) 278-5430

Exhibit B

APPLICANT:

UMG RECORDINGS, INC.
100 Universal City Plaza
Universal City, CA 91608

FIRST USE:

At Least As Early as
April 30, 1969

FIRST USE IN COMMERCE:

At Least As Early as
April 30, 1969

GOODS:

MUSICAL SOUND RECORDINGS
IN CLASS 9



08-13-2003

U.S. Patent & TMO/tm Mail Rpt Dt. #67

JACKSON 5

U.S. Patent & TM Ofc/TM



76536394

Anne B. Nielsen, Esq.
Universal City Studios LLLP
100 Universal City Plaza
Universal City, California 91608
(818) 777-6447

76536394

TRADEMARK APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

08/18/2003 KSOMCHAN 00000060 500333 76536394

01 FC:6001 335.00 DA



ANNE B. NIELSEN
VICE PRESIDENT - SENIOR TRADEMARK COUNSEL

August 7, 2003

BOX NEW APP FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Re: Application for Registration
Mark: **JACKSON 5**
Applicant: UMG Recordings, Inc.
Class: 9

Dear Madam:

Enclosed for filing is an executed Application along with specimens for registration of the above-referenced trademark. Please charge the required fee of Three Hundred Thirty Five Dollars (\$335.00), or any additional fees which may be needed, to Deposit Account No. 50-0333. A duplicate of this letter is enclosed for accounting purposes.

Please acknowledge receipt of the Application along with enclosures by returning the attached postcard to us.

Very truly yours,


Anne B. Nielsen

Enclosures
cc: Lori Froeling
Jeff Levenberg

Vivendi UNIVERSAL Entertainment
100 UNIVERSAL CITY PLAZA UNIVERSAL CITY CA 91608 TEL 818 777 6447 FAX 818 866 1426
E-MAIL anne.nielsen@unistudios.com
www.universalstudios.com

Certificate of Mailing Under 37 C.F.R. 1.8(a)(1)(A)
I hereby certify that this correspondence is being
deposited with the United States Postal Service with
sufficient postage as first class mail in an envelope
addressed to Commissioner for Trademarks, 2900 Crystal
Drive, Arlington, Virginia 22202-3513 on August 7,
2003.

Deborah Helms
Deborah Noneman Helms

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
APPLICATION FOR TRADEMARK REGISTRATION

Trademark: **JACKSON 5**

Class: 9

TO THE COMMISSIONER FOR TRADEMARKS:

Applicant, UMG RECORDINGS, INC. is a corporation duly
organized and existing under the laws of the State of
Delaware with its principal place of business at 100
Universal City Plaza, Universal City, California 91608.

The above-identified applicant has adopted and is using
the trademark as shown in the accompanying drawing in
commerce for:

CLASS 9: MUSICAL SOUND RECORDINGS

and requests that said mark be registered in the United
States Patent and Trademark Office on the Principal
register established by the Act of July 5, 1946 (15
U.S.C. 1051(a), as amended).

TRADEMARK: JACKSON 5
CLASS: 9
PAGE: 2

The trademark was first used in connection with the goods at least as early as April 30, 1969, and was first used on the goods in interstate commerce at least as early as April 30, 1969, and is now in use in such commerce.

The mark is being used by applying it to the goods, to packaging for the goods and to other means customary in the trade. One (1) specimen and/or facsimile of a CD insert showing the mark as actually used in connection with the goods is submitted herewith.

The required fee of Three Hundred and Thirty Five Dollars (\$335.00), or any additional fees which may be needed, should be deducted from our Deposit Account Number 50-0333.

Applicant hereby appoints Anne B. Nielsen and Jennifer Katsiaficas, Universal City Studios LLLP, 100 Universal City Plaza, Universal City, California 91608, members of the bar of the State of California as its attorneys with full power of substitution and revocation, to prosecute this application to registration, to make alterations and amendments therein, to receive the Certificate of Registration and to transact all business in the Patent and Trademark Office connected therewith. Applicant requests that all correspondence be

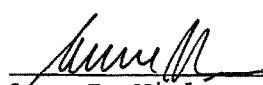
TRADEMARK: JACKSON 5
CLASS: 9
PAGE: 3

sent to Anne B. Nielsen and Jennifer Katsiaficas at the above address.

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that she is properly authorized to execute this application on behalf of the applicant; she believes the applicant to be the owner of the mark sought to be registered, or, if the application is being filed under 15 U.S.C. 1051(b), she believes applicant to be entitled to use such mark in commerce; to the best of her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods or services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of her own knowledge are true and that all statements made on information and belief are believed to be true.

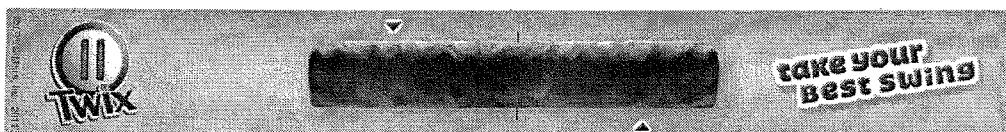
UMG RECORDINGS, INC.

August 7, 2003



Anne B. Nielsen
Assistant Secretary

Exhibit C



Pop | Rock | Rap | R&B | Country | Jazz & Classical | Latin

Artists: A B C D E F G H I J K L M N O P Q R S T U V W X Y Z #



/// History

UNIVERSAL MUSIC GROUP

2010 | 2009 | 2008 | 2007 | 2006 | 2005 | 2004 | 2003 | 2002 | 2001
| 2000 | 1999

[go to top](#)

POLYGRAM & UNIVERSAL

1998 | 1996 | 1995 | 1994 | 1993 | 1991 | 1990 | 1989 | 1987 | 1986
| 1985 | 1982 | 1980 | 1979 | 1975 | 1973 | 1972 | 1964 | 1962 |
1960 | 1959 | 1958 | 1952 | 1951 | 1950 | 1949 | 1941 | 1936 | 1934
| 1928 | 1924 | 1915 | 1912 | 1898



2010

Universal Music Group

The Black Eyed Peas become first group to sell over 6 million US digital downloads with "I Gotta Feeling"
VEVO named #1 online music destination by comScore
UMPG acquires publishing assets of Emack music
Rondor Music Publishing partners with Nacional Records for Canciones Nacionales
Universal Records South merges with Show Dog to create label, Show Dog–Universal Music
Lady Gaga becomes first artist to have her first 5 singles reach #1

2009

Universal Music Group

VEVO completes deal with CBS Broadcast, Inc.
EMI joins VEVO
UMG makes strategic investments in INgrooves and TuneCore
Sony Music Entertainment joins VEVO
Bravado becomes exclusive music merchandiser for Michael Jackson
Republic Nashville label launched
UMG forms VEVO
All The Worlds launches F1 ROCKS

2008

Universal Music Group

Universal Music Latin Entertainment is formed
UMG partners with MySpace to create MySpace Music
Vivendi Entertainment expands into theatrical distribution
UMG acquires Univision Music Group
UMG delivers 1 billion video streams on YouTube

2007

Universal Music Group

UMG purchases V2 Music Group
UMG announces deal with imeem
UMG acquires Belgian independent label, ARS Entertainment
Universal Music Group has #1 Most Viewed Channel on YouTube
UMG acquires the Sanctuary Group, PLC, including music merchandiser, Bravado
Akon becomes top selling Mastertone Artist of All Time
UMG acquires BMG Music Publishing
Mercury Records re-launched in US as Division of Island Def Jam Music Group
A&M/Octone label formed by Interscope Geffen A&M

2006

Universal Music Group

UMG and Microsoft Corp announce agreement for Zune player.
Universal Music acquire Arsenal Music, Brazil's most important independent label.
Chamillionaire sells over 3 million masterpieces.
Universal Music UK launches Globe Productions.
UMVD changes name to UMGD.
UMG acquires #1 Spanish label, Vale Music.
Universal Music signs international license agreement with Concord Music Group.

2005

Universal Music Group

Universal Music Mexico signs distribution deal with Walt Disney's Buena Vista Music Group.
UMPG launches Universal Music Production Library.
Gwen Stefani becomes first artist to sell one million commercial downloads.
UMG launches Universal Music Media.
New label Roc La Familia is formed.
International Music Feed (IMF) is launched.
UMG launches Universal Music Mobile US (UMM-US).
UMG achieves the highest weekly current market share in the history of SoundScan at 43.54%, breaking the old record (also held by UMG) of 43.07% set in November of 2004.
UMG launches Machete Music.
Verve Music Group re-launches famed "Forecast" label.

2004

Universal Music Group

IDJ acquires remaining 50% ownership of Roc-A-Fella Records.
UMG achieved a 43.07% market share for the week-ending November 14th, the highest in SoundScan history.
UMe Digital, an all-digital download label, is formed.
UMG inks distribution deal with Concord Records.
UMPG forms Universal Christian Music Publishing.
Universal Music Asia Pacific and Shanghai Media Group launch Sum Entertainment.
UMVD creates independent distribution division, Fontana.

2003

Universal Music Group

UMG acquires DreamWorks Records.
UMG teams with eBay to launch "Universal Music Store."
UMG dramatically reduces CD prices to \$12.98 for top line releases.
UMG signs distribution deal with Rock Records, Asia's most prominent independent record label.
Universal Motown inks deal to distribute Casablanca label.
UMVD breaks Latin market share records—achieving year-to-date current market share of 35.19 % of Latin Music Chart, according to SoundScan.
Universal Records signs distribution deal with Bad Boy Records.
UMVD reaches distribution deal with Fonovisa Record.

2002

Universal Music Group

UMG achieves industry milestone -- achieving year-to-date U.S. current album market share of more than 30%, according to SoundScan.
UMG offers music fans largest catalog of digital downloads with more than 75,000 tracks.
New record label Universal South is launched in Nashville.

2001

Universal Music Group

Motown/UMG Fund is established to support former artists.
UMG acquires assets of Latin music company RMM.
UMG forms exclusive distribution and worldwide licensing agreement with Univision Music Group.

2000

Universal Music Group

UMG acquires Rondor Music, International Publishing Company.

1999

Universal Music Group

MCA Music Publishing is renamed Universal Music Publishing.
UMG acquires strategic investment in Latin music website eritmo.com.
Universal Music India launched after UMG increases its shareholdings to 100 percent.
UMG expands its market presence in Turkey by acquiring additional shareholdings in Universal Music Turkey, Nese Müzik, Mars Müzik and S Müzik.
Universal Music Enterprises (UME), a newly centralized U.S. catalog and special markets entity, is created.
UM3, a division of Universal Music International that covers all areas of strategic catalog marketing outside North America, is launched.
Decca and Philips merge to form Decca Music Group.
UMG partners with BMG to form GetMusic, an internet content and commerce alliance, and the e-commerce site, getmusic.com.
UMG purchases the remaining interest in Def Jam Records.

1998**PolyGram & Universal**

Seagram acquires PolyGram, renaming the newly combined music operations Universal Music Group.

1996**PolyGram**

PolyGram acquires additional 10% of Def Jam.

Universal

MCA Music Entertainment Group acquires 50% of Interscope Records.
MCA INC. renamed Universal Studios, Inc. and the MCA Music Entertainment Group renamed Universal Music Group.
Hip-O Records established by Universal Music Group.

1995**PolyGram**

PolyGram acquires Rodven Records, Latin America's largest independent record company.
PolyGram forms the Leonard Bernstein Music Publishing Company through a 50/50 partnership.

Universal

Seagram acquires 80% of MCA INC.
Rising Tide (to be renamed Universal Records) established by MCA Music Entertainment Group.

1994**PolyGram**

PolyGram acquires 50% of Def Jam Recordings.
PolyGram becomes the first western record company to establish a subsidiary in Russia.

1993**PolyGram**

PolyGram acquires Motown Records.
PolyGram completes offering of 10 million new shares. Phillips now owns 75% of PolyGram shares, with remaining 25% publicly held.

1991**Universal**

MCA INC. acquired by Matsushita Electric Industrial Co.

1990**PolyGram**

PolyGram acquires A&M Records.

Universal

MCA INC. acquires Geffen Records and GRP Records to join the family of labels within the MCA Music Entertainment Group.

1989**PolyGram**

PolyGram acquires Island Records.

PolyGram completes initial public stock offering of 35 million shares.

1987

PolyGram

PolyGram becomes a wholly-owned subsidiary of Philips.

1986

PolyGram

PolyGram establishes PolyGram Music Publishing.

1985

Universal

MCA INC. acquires Chess Records.

1982

PolyGram

Philips and PolyGram launch the Compact Disc worldwide.

1980

PolyGram

PolyGram acquires London-based classical label Decca.

1979

Universal

MCA INC. purchases ABC Records, with the company's artist roster and catalog eventually merging into MCA Records.

1975

Universal

Distillers Corporation-Seagrams Limited renamed The Seagram Company Ltd.

1973

Universal

Decca (U.S.) evolves into MCA Records.

1972

PolyGram

Philips and Siemens subsidiaries reorganize as PolyGram.

PolyGram acquires Verve Records.

Universal

Universal Amphitheatre opens in Universal City, beginning Universal's interests in the ownership and operation of concert venues and live entertainment promotion.

1964

Universal

For the first time in 30 years, Universal welcomes visitors onto its Universal City lot for a behind-the-scenes look at film and television production, initiating the company's recreation and theme park business.

MCA Music Publishing begins to take shape with MCA INC.'s purchase of Leeds Music and Duchess Music.

1962

PolyGram

Philips and Siemens establish a record company joint venture with Philips, gaining 50% of Deutsche Grammophon and Siemens gaining 50% of PPI.

Universal

MCA INC. and Universal Pictures officially merge when MCA acquires Decca Records, Universal's parent company.

1960

PolyGram

Philips acquires Mercury Records.

1959

Universal

MCA INC. becomes a public company.

1958

Universal

MCA acquires the Universal Studios property and purchases Paramount's pre-1948 film library for its MCA TV division. The company is incorporated as MCA INC.

1952

Universal

Decca acquires controlling interest in Universal Pictures.

1951

PolyGram

Philips Classics established.

1950

PolyGram

Netherlands-based Philips Electronics N.V. creates Philips Phonographische Industries (PPI).

1949

Universal

MCA begins producing TV shows under its original television division, Revue Productions.

1941

PolyGram

Deutsche Grammophon was taken over by electronics giant Siemens & Halske.

1936

Universal

Lew Wasserman joins MCA and develops the company into a leading talent agency representing some of the world's top entertainers.

1934

Universal

British-based Decca Record Co. launches Decca Records in America.

1928

Universal

Distillers acquires Joseph E. Seagram & Sons, Limited, founded in 1857.

1924

PolyGram

Polydor introduced as second brand name for Deutsche Grammophon abroad.

Universal

Music Corporation of America (MCA) founded as a talent agency in Chicago by Dr. Jules Stein.
Samuel Bronfman forms Distillers Corporation Limited Canada in Montreal, Quebec.

1915**Universal**

Universal relocates to 230-acre ranch, which Laemmle names Universal City, in Southern California's San Fernando Valley.

1912**Universal**

Universal Film Manufacturing Co. founded by pioneer filmmaker Carl Laemmle in Chicago.

1898**PolyGram**

Deutsche Grammophon Gesellschaft was established by the National Gramophone Company.

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UMG

Exhibit D

UNITED STATES PATENT AND TRADEMARK OFFICE
UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/536394

APPLICANT: UMG RECORDINGS, INC.

CORRESPONDENT ADDRESS:
ANNE B. NIELSEN
UNIVERSAL CITY STUDIOS LLLP
100 UNIVERSAL CITY PLAZA
UNIVERSAL CITY, CALIFORNIA 91608

RETURN ADDRESS:
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
ecom114@uspto.gov

If no fees are enclosed, the address should include the words "Box Responses - No Fee."

MARK: JACKSON 5

CORRESPONDENT'S REFERENCE/DOCKET NO : N/A

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and email address.

Serial Number 76/536394

EXAMINER'S AMENDMENT

In accordance with the authorization granted by Anne Nielsen on March 1, 2004, the application has been AMENDED as indicated below. Please note that if the identification of goods or services has been amended below, any future amendments must be in accordance with 37 C.F.R. 2.71(a); TMEP section 1402.07(e). No response is necessary unless there is an objection to the amendment. If there is an objection to the amendment, the applicant should notify the examining attorney immediately.

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

Disclaimer :

No claim is made to the exclusive right to use '5' apart from the mark as shown.

Claim of Prior Registration :

The applicant is the owner of U.S. Registration No. 0965809.

/Won T. Oh/
Law Office 114
(703) 308 - 9114 x-176
email: won.oh@uspto.gov

Exhibit E



United States Patent and Trademark Office

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Trademark Assignment Abstract of Title

Total Assignments: 4

Serial #: 72419999

Filing Dt: 03/30/1972

Reg #: 965809

Reg. Dt: 08/07/1973

Registrant: MOTOWN RECORD CORPORATION

Mark: JACKSON 5

Assignment: 1

Reel/Frame: 0878/0095

Received:

Recorded: 06/22/1992

Pages: 3

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Assignor: GORDY COMPANY, THE

Exec Dt: 06/11/1992

Formerly: FORMERLY KNOWN AS MOTOWN RECORD CORPORATION

Entity Type: CORPORATION

Citizenship: MICHIGAN

Assignee: MOTOWN RECORD COMPANY, L.P.

Entity Type: LIMITED PARTNERSHIP

6255 SUNSET BOULEVARD

Citizenship: DELAWARE

LOS ANGELES, CALIFORNIA 90028

Correspondent: IRELL & MANELLA

BRUCE D. KUYPER

333 SOUTH HOPE ST. STE. 3300

LOS ANGELES, CA 90071-3042

Assignment: 2

Reel/Frame: 1024/0128

Received:

Recorded: 09/10/1993

Pages: 9

Conveyance: TERMINATION, RELEASE AND REASSIGNMENT OF SECURITY INTEREST, EXECUTED AS OF SEPTEMBER 2, 1993.

Assignor: CHEMICAL BANK

Exec Dt: 09/02/1993

Entity Type: NEW YORK BANKING CORPORATION

Citizenship: NONE

Assignee: MRAC, L.P.

Entity Type: CALIFORNIA LIMITED PARTNERSHIP

6255 SUNSET BOULEVARD

Citizenship: NONE

LOS ANGELES, CALIFORNIA 90028

Correspondent: STACY A. KREISBERG, ESQ.

O'MELVENY & MYERS

1999 AVENUE OF THE STARS, STE. 700

LOS ANGELES, CALIFORNIA 90067

Assignment: 3

Reel/Frame: 1071/0223

Received:

Recorded: 10/13/1993

Pages: 8

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Assignor: MOTOWN RECORD COMPANY, L.P.

Exec Dt: 09/02/1993

Entity Type: LIMITED PARTNERSHIP

Citizenship: DELAWARE

Assignee: MRAC, L.P.

Entity Type: LIMITED PARTNERSHIP

6255 SUNSET BOULEVARD LOS ANGELES, CA 90028

Citizenship: CALIFORNIA

Correspondent: STACY A. KREISBERG, ESQ.

O'MELVENY & MYERS

1999 AVENUE OF THE STARS

SUITE 700

LOS ANGELES, CA 90067

Assignment: 4

Reel/Frame: 2737/0324

Received: 05/21/2003

Recorded: 05/21/2003

Pages: 3

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: MOTOWN RECORD COMPANY, L.P.

Assignee: UMG RECORDINGS, INC.

100 UNIVERSAL CITY PLAZA
UNIVERSAL CITY, CALIFORNIA 91608

Correspondent: ANNE B. NIELSEN

100 UNIVERSAL CITY PLAZA
UNIVERSAL CITY, CA 91608

Exec Dt: 05/14/2003

Entity Type: LIMITED PARTNERSHIP

Citizenship: NONE

Entity Type: CORPORATION

Citizenship: DELAWARE

Search Results as of: 07/08/2011 06:17 PM

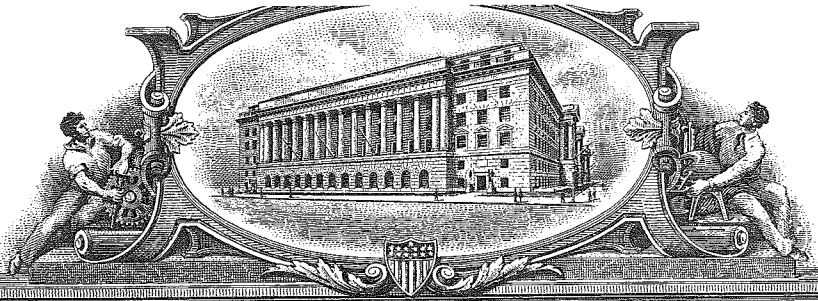
If you have any comments or questions concerning the data displayed, contact PRD / Assignments at . v.2.1

Web interface last modified: Apr 30, 2009 v.2.1

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Exhibit F

TS 1848832



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

July 13, 2011

THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE
RECORDS OF THIS OFFICE OF A DOCUMENT RECORDED ON
JUNE 22, 1992.

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

W. Taylor

W. TAYLOR
Certifying Officer



1800 AVENUE OF THE STARS, SUITE 500
LOS ANGELES, CALIFORNIA 90067-1998
TELEPHONE (310) 277-1010
FACSIMILE (310) 203-7199



IRELL & MANELLA
A LAW FIRM OF ILLINOIS PROFESSIONAL CORPORATION
332 SOUTH HOPE STREET, SUITE 3300
LOS ANGELES, CALIFORNIA 90071-3042
TELEPHONE (213) 620-1555
FACSIMILE (213) 229-0571

840 NEWPORT CENTER DRIVE, SUITE 500
NEWPORT BEACH, CALIFORNIA 92660-8384
TELEPHONE (714) 780-0991
FACSIMILE (714) 780-0721

WRITER'S DIRECT DIAL NUMBER
(213) 229-0571

June 17, 1992

RECEIVED
92 JUN 29 AM 10:53
ASSIGNMENT BRANCH

Box Assignment
Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Re: Assignment of
Marks: JACKSON FIVE
JACKSON FIVE & Design
Registration Nos.: 965,809 and 965,808

Dear Sir:

Please record the attached Assignment between The Gordy Company (formerly known as Motown Record Corporation) and Motown Record Company, L.P., against the above-noted registrations. Enclosed is an assignment transmittal form and our check in the amount of \$65.00 to cover the recordation fees. However, if there are any additional costs involved, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to deposit account no. 09-0946, for which purpose a duplicate copy of this letter is attached.

Respectfully submitted,

IRELL & MANELLA

By: Bruce D. Kuyper
Bruce D. Kuyper

BDK:jy
Enclosures

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20531, on 6-17-92
Date

Reception
40.00 CK
June 17, 1992
Date of Signature

160 MG 06/26/92 965809

160 MG 06/26/92 965809

0 481

0 482

25.00 CK

89123099

TRADE-MARK

REL 0878 FAME095

TRADEMARKS ONLY

TRADEMARKS ONLY

To the Honorable Commissioner of Patents and Trademarks:
Please record the attached original document or copy thereof.

1. Name of Party(ies) conveying an interest:

The Gordy Company
(formerly known as
Motown Record Corporation)

Entity:

- ☐ Individual(s) ☐ Association
☐ General Partnership ☐ Limited Partnership
☒ Corporation-State Michigan
☐ Other _____

3. Interest Conveyed:

- ☒ Assignment ☐ Change of Name
☐ Security Agreement ☐ Merger
☐ Other _____

2. Name and Address of Party(ies) receiving an interest:

Name: Motown Record Company, L.P.

Internal Address: _____

Street Address: 6255 Sunset BoulevardCity: Los AngelesState: California Zip: 90028

Entity:

- ☐ Individual ☐ Association
☐ General Partnership ☒ Limited Partnership
☐ Corporation-State _____
☐ Other _____

Citizenship: _____

If not domiciled in the United States, a domestic
representative designation is attached:

- ☐ Yes
☐ No

(The attached document must not be an assignment)

4. Application number(s) or registration number(s). Additional sheet attached? ☐ Yes ☒ No

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

965,809

965,808

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Clare Deffense, Esq.

Internal Address: _____

Irell & ManellaStreet Address: 333 South Hope Street
Suite 3300City: Los AngelesState: CA Zip: 90071

6. Number of applications and registrations involved:

Two (2)

7. Amount of fee enclosed or authorized to be charged:

\$65.00

8. Deposit account number (Attach duplicate copy of this form if paying by deposit account):

DO NOT USE THIS SPACE

9. Date of execution of attached document June 11, 1992

10. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on:

June 17, 1992

Date

Signature

Clare Deffense

Name of Person Signing

TRADE-MARK

REEL 0878 FRAME 96

ASSIGNMENT OF TRADEMARK REGISTRATIONS

In consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, The Gordy Company (formerly known as Motown Record Corporation), a Michigan corporation (hereinafter referred to as "ASSIGNOR"), hereby assigns to Motown Record Company, L.P., a Delaware limited partnership, having a principal place of business at 6255 Sunset Boulevard, Los Angeles, California 90028, all of ASSIGNOR's right, title and interest in and to the following U.S. Federal Trademark registrations:

<u>Trademark</u>	<u>Registration No.</u>	<u>Issue Date</u>
JACKSON FIVE	965,809	August 7, 1973
JACKSON FIVE & Design	965,808	August 7, 1973

together with the goodwill of the business symbolized by said marks, and its entire right, title and interest in and to any and all claims and demands it may have either at law or in equity arising out of any past infringements.

IN TESTIMONY WHEREOF, ASSIGNOR, through its authorized officer, hereunto sets its hand this 11th day of June, 1992.

RECORDED
PATENT AND TRADEMARK
OFFICE

JUN 22 1992

THE GORDY COMPANY
(formerly known as
Motown Record Corporation)

By:

Name: Vincent L. Perrone
Title: Executive Vice President and
General Counsel

TRADE-MARK

REU 0878 HAMD 97

State of)

County of)

ss:

On this 11th day of June, 1992, personally appeared Vincent L. Perrone, known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument as Exec. V.P. + General Counsel or (insert officer's title) on behalf the ASSIGNOR above named, and acknowledged to me that he/she executed the foregoing Assignment on behalf of ASSIGNOR and pursuant to authority duly received.



KEHD03EC.MP

Toni L. Smith
Notary Public

Exhibit G

TS 1848832



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

July 13, 2011

**THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE
RECORDS OF THIS OFFICE OF A DOCUMENT RECORDED ON
OCTOBER 13, 1993.**

**By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office**

W. Taylor

**W. TAYLOR
Certifying Officer**



RECORDATION COVER SHEET

TRADEMARKS

To the Honorable Commissioner of Patents and Trademarks:
Please record the attached original document.

(1.) Name of conveying party: 99 DE
Motown Record Company, L.P., a Delaware limited partnership

(2.) Name and address of receiving party:
MRAC, L.P., a California limited partnership 99 CA
6255 Sunset Boulevard
Los Angeles, California 90028

(3.) Nature of conveyance: 01
Deed of Assignment, executed as of September 2, 1993

(4.) Application numbers and registration numbers:

A. Trademark Application Nos.:

74/319,227
74/342,673
74/276,052
74/277,092
74/316,917
74/316,922
74/276,062
74/276,361
74/319,226
74/319,495
74/339,032
74/276,061
74/276,514
74/326,622
74/326,643
74/316,903
74/316,918

B. Trademark Registration Nos.:

1,077,295
965,809
1,368,252
1,432,360
1,075,409
1,342,156
1,687,331

TRADEMARK

REEL 1071 FRAME 23

8914-5356

Record as of 10/13/93

800,977
881,471
985,972
1,102,357
985,976
1,730,413
1,766,298
985,978
985,977
893,744
800,978
985,973
1,026,437
1,003,076
1,009,265
879,695

- (5.) Name and address of party to whom correspondence concerning document should be mailed:

Stacy A. Kreisberg, Esq.
O'Melveny & Myers
1999 Avenue of the Stars, Suite 700
Los Angeles, California 90067

- (6.) Total number of applications and registrations involved:

40

- (7.) Total fee:

\$1,015 (enclosed)

TRADEMARK

REEL 1071 FRAME 224

8.
(9)

Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Stacy A. Kreisberg
STACY A. KREISBERG

10-12-93
Date

(10)

TOTAL NUMBER OF PAGES COMPRISING COVER SHEET: 8 Pages

REEL 1071 FRAME 225
TRADEMARK



400 SOUTH HOPE STREET
LOS ANGELES, CALIFORNIA 90071-2899
TELEPHONE (213) 669-6000
FACSIMILE (213) 669-6407

NEWPORT CENTER DRIVE
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TELEPHONE (714) 760-9600
FACSIMILE (714) 669-6994

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WASHINGTON, D. C. 20004-1109
TELEPHONE (202) 383-5300
FACSIMILE (202) 383-5414

CITICORP CENTER
153 EAST 53RD STREET
NEW YORK, NEW YORK 10022-4611
TELEPHONE (212) 326-2000
FACSIMILE (212) 326-2061

WRITER'S DIRECT DIAL NUMBER

(310) 246-6786

O'MELVENY & MYERS

1999 AVENUE OF THE STARS
LOS ANGELES, CALIFORNIA 90067-6035

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TELEX 674097 · FACSIMILE (310) 246-6779

October
12th
1993

EMBARCADERO CENTER WEST
275 BATTERY STREET
SAN FRANCISCO, CALIFORNIA 94111-3305
TELEPHONE (415) 984-8700
FACSIMILE (415) 984-8701

10 FINSBURY SQUARE
LONDON EC2A 1LA
TELEPHONE (071) 256-8451
FACSIMILE (071) 638-8205

AKASAKA TWIN TOWER, EAST 18TH FLOOR
2-17-22 AKASAKA, MINATO-KU
TOKYO 107
TELEPHONE (03) 3587-2800
FACSIMILE (03) 3587-9738

AVENUE LOUISE 106
1050 BRUSSELS
TELEPHONE (02) 647-06-50
FACSIMILE (02) 646-47-29

OUR FILE NUMBER

677,463-001

VIA EXPRESS MAIL

Honorable Commissioner of
Patents and Trademarks
Box 5
Washington, D.C. 20231

Attention: Assignment and Certification Division

Dear Sir:

Please record the enclosed Assignment of Application.

Enclosed herewith is our check in the amount of One Thousand Fifteen Dollars (\$1,015.00) to cover the costs of recordation. Please acknowledge receipt of the enclosed document by date-stamping the enclosed post card and returning it to me as indicated. After recordation, kindly return the document to me at the address indicated above.

Thank you for your kind assistance in connection with this matter.

Very truly yours,

Stacy A. Kreisberg
for O'MELVENY & MYERS

Enclosure

cc: Sharon A. Borak, Esq.

176649

090 BA 10/28/93 74319227

090 BA 10/28/93 74319227

0 481

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REEL 1071 FRAME 226

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PATENT & TRADEMARK
DIVISION

30 OCT 28 AM 7:13

RECEIVED

30 DEC 15 PM 2:55

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DEED OF ASSIGNMENT

WHEREAS, Motown Record Company, L.P., a Delaware limited partnership ("Assignor") whose principal address is 6255 Sunset Boulevard, Los Angeles, California 90028 has adopted, used and is using those certain marks listed on Schedule 1 hereto for which it has obtained or applied for registration from the United States Patent and Trademark office, together with any marks in which only common law rights exist (collectively, the "Marks"); and

WHEREAS, MRAC, L.P., a California limited partnership ("Assignee"), whose principal address is c/o A&M Records, Inc., 1416 North La Brea Avenue, Los Angeles, California 90028, is desirous of acquiring the Marks, all related goodwill, together with any and all related registrations or applications for registration, as well as the right to sue for any past infringement of the Marks;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor does hereby assign to Assignee all of Assignor's right, title, and interest in and to the Marks together with the goodwill of the business symbolized thereby, as well as any and all related registrations or applications for registration and any and all causes of action for past infringement of the Marks.

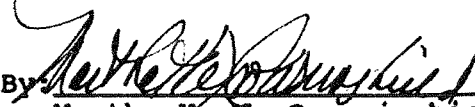
For those Marks listed on Schedule 1 for which there is a pending application for registration, Assignee requests that the Commissioner of Patents and Trademarks issue the registrations to Assignee.

Executed at Boston, Massachusetts, effective as of the 2nd day of September, 1993.

ASSIGNOR

Motown Record Company, L.P.

By: Motown Management Corporation,
General Partner

By: 
Martha H. W. Crowninshield
President

TRADEMARK

REEL 1071 FRAME 227

STATE OF MA)
COUNTY OF SUFFOLK)

On October 6, 1993, before me, Sherri L. Dettenrieder
Notary Public, personally appeared Martha H. W. Crowninshield
personally known to me (or proved to me on the basis of
satisfactory evidence) to be the person whose name is
subscribed to the within instrument and acknowledged to me
that she executed the same in her authorized capacity, and
that by her signature on the instrument the person, or the
entity upon behalf of which the person acted, executed the
instrument.

WITNESS my hand and official seal.

Sherri L. Dettenrieder
Martha H. W. Crowninshield

Notary Public

TRADEMARK

REEL 1071 FRAME 228

SCHEDULE 1

U.S. REGISTERED MARKS

<u>MARK</u>	<u>REG. NO.</u>	<u>REG. DATE</u>
HITSVILLE	1,077,295	11/15/77
JACKSON 5	965,809	08/07/73
M & Design	1,368,252	10/29/85
M & Design	1,432,360	03/10/87
M MOTOWN & Design	1,075,409	10/18/77
MOROCCO & Design	1,342,156	06/18/85
MOTORTOWN REVUE	1,687,331	05/12/92
MOTOWN	800,977	12/28/65
MOTOWN	881,471	11/25/69
MOTOWN	985,972	06/11/74
MOTOWN	1,102,357	09/12/78
MOTOWN & Design	985,976	06/11/74
MOTOWN REVUE	1,730,413	11/03/92
MOTOWN REVUE	1,766,298	04/20/93
NATURAL RESOURCES	985,978	06/11/74
NATURAL RESOURCES & Design	985,977	06/11/74
RARE EARTH	893,744	06/30/70
TAMLA	800,978	12/28/65
TAMLA	985,973	06/11/74
TAMLA & Design	1,026,437	12/02/75
THE SUPREMES	1,003,076	01/28/75
THE SUPREMES	1,009,265	04/22/75
THE TEMPTATIONS	879,695	10/28/69

TRADEMARK

REEL 1071 FRAME 229

U.S. PENDING APPLICATIONS

Use Applications

<u>MARK</u>	<u>APP. NO.</u>	<u>APP. DATE</u>
MOTOWN	319,227	09/30/92
MOTOWN MASTER SERIES & Design	342,673	12/23/92

Intent to Use Applications

<u>MARK</u>	<u>APP. NO.</u>	<u>APP. DATE</u>
MOJAZZ	276,052	05/18/92
MOJAZZ	277,092	05/18/92
MOJAZZ	316,917	09/23/92
MOJAZZ	316,922	09/23/92

MOJAZZ & Design	276,062	05/18/92
MOJAZZ & Design	276,361	05/18/92
MOTOWN	319,226	09/30/92
MOTOWN	319,495	09/30/92
MOTOWN MASTER SERIES & Design	339,032	12/10/92
MOTOWN'S MOJAZZ	276,061	05/18/92
MOTOWN'S MOJAZZ	276,514	05/18/92
THE JACKSONS AN AMERICAN DREAM & Design	326,622	10/28/92
THE JACKSONS AN AMERICAN DREAM & Design	326,643	10/28/92
SLIGHTLY TO THE LEFT	316,903	09/23/92
SLIGHTLY TO THE LEFT	316,918	09/23/92

TRADEMARK

REEL 1071 FRAME 230

OCT 13 93

PATENT AND TRADEMARK
OFFICE

Exhibit H

05-22-2003

Form PTO-1594

(Rev. 10/02)

OMB No. 0651-0027 (exp. 6/30/2005)

Tab settings ⇌ ⇌ ⇌

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102454165

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):
Motown Record Company, L.P.

- ☐ Individual(s) ☐ Association
☐ General Partnership ☒ Limited Partnership
☐ Corporation-State
☐ Other _____

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: 5/14/03

2. Name and address of receiving party(ies)

Name: UMG Recordings, Inc.

Internal

Address:

Street Address: 100 Universal City Plaza

City: Universal City State: CA Zip: 91608

- ☐ Individual(s) citizenship _____
☐ Association _____
☐ General Partnership _____
☐ Limited Partnership _____
☒ Corporation-State Delaware
☐ Other _____

If assignee is not domiciled in the United States, a domestic representative designation is attached: ☐ Yes ☒ No
 (Designations must be a separate document from assignment)
 Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or registration number(s):

A. Trademark Application No.(s) _____
See AttachedB. Trademark Registration No.(s) _____
See AttachedAdditional number(s) attached ☒ Yes ☐ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Anne B. Nielsen

Internal Address: 1280 - 6th Floor

Street Address: 100 Universal City Plaza

City: Universal City State: CA Zip: 91608

6. Total number of applications and registrations involved: _____

24

7. Total fee (37 CFR 3.41).....\$ 615.00

- ☐ Enclosed
☒ Authorized to be charged to deposit account

8. Deposit account number:

50-0333

DO NOT USE THIS SPACE

9. Signature.

Anne B. Nielsen

Name of Person Signing

Signature

5/16/03

Date

Total number of pages including cover sheet, attachments, and document: 4

Mail documents to be recorded with required cover sheet information to:
 Commissioner of Patent & Trademarks, Box Assignments
 Washington, D.C. 20231

05/22/2003 EDOOPER 00000629 75441755

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02 FC1632240.00 CH
575.00 CHTRADEMARK
REEL: 002737 FRAME: 0324

SCHEDULE A

MARK	SERIAL NO.
HITSVILLE	75/441755
MOTOWN	75/866346

MARK	REG. NO.
MOTOWN MASTER SERIES & DESIGN	2516930
MOTOWN	881471
MOTOWN	800977
MOTOWN	2040824
MOTOWN (LOGO)	985972
MOTOWN (LOGO)	985976
M MOTOWN (LOGO)	1075409
M MOTOWN (LOGO)	2242932
M MOTOWN (LOGO)	2663608
M (LOGO)	1432360
M STIPPEN (LOGO)	1368252
TAMLA	985973
TAMLA	800978
TAMLA (LOGO IN HALVE CIRKEL)	1026437
MOROCCO (LOGO)	1342156
THE SUPREMES	1003076
JACKSON 5	965809
THE TEMPTATIONS	879695
MOJAZZ (LOGO)	2055631
MOJAZZ	1885546
MOJAZZ (LOGO)	1917167
THE SUPREMES	1009265

TRADEMARK

REEL: 002737 FRAME: 0325

ASSIGNMENT OF TRADEMARKS

WHEREAS, Motown Record Company, L.P. a California limited partnership organized and existing under the laws of the State of California of which UMG Recordings, Inc. is the General Partner, having its principal place of business at 825 Eighth Avenue, Worldwide Plaza, New York, New York 10019 ("Assignor"), is the owner of all right, title and interest in and to the trademarks listed on the attached Schedule A (the "Trademarks"), and is the owner of the applications and registrations therefor; and

WHEREAS, UMG Recordings, Inc. a Delaware corporation organized and existing under the laws of the State of Delaware also having its principal place of business at 100 Universal City Plaza, Universal City, California 91608 ("Assignee"), desires to acquire all right, title and interest in and to the aforementioned Trademarks, the goodwill of the business symbolized thereby, and the applications and registrations therefor;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby sells, assigns and transfers to Assignee the Assignor's entire right, title and interest in and to the Trademarks, the goodwill of the business symbolized thereby, and the applications and registrations therefor.

IN TESTIMONY WHEREOF, the Assignor has caused this Assignment of Trademarks to be executed by its authorized representative.

MOTOWN RECORD COMPANY, L.P.

May 14, 2003

By: 

Anne B. Nielsen
Assistant Secretary
UMG Recordings, Inc.
General Partner

Exhibit I

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-07-08 18:18:21 ET

Serial Number: 72419999 Assignment Information Trademark Document Retrieval

Registration Number: 965809

Mark(words only): JACKSON 5

Standard Character claim: No

Current Status: This registration was not renewed and therefore has expired.

Date of Status: 2004-05-08

Filing Date: 1972-03-30

Transformed into a National Application: No

Registration Date: 1973-08-07

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2003-07-02

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. MOTOWN RECORD COMPANY, L.P.

Composed Of:

COMPOSED OF MOTOWN MANAGEMENT CORPORATION

Address:

MOTOWN RECORD COMPANY, L.P.

6255 SUNSET BOULEVARD

LOS ANGELES, CA 90028

United States

Legal Entity Type: Limited Partnership

GOODS AND/OR SERVICES

First Use in Commerce Date: 1970-10-00

LOS ANGELES, CA 90067-4276

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of July, 2011, I caused a true and correct copy of the foregoing Registrant's Amended Answer to Petition to Cancel, Affirmative Defenses, and Counterclaim to be sent by U.S. Mail, First Class, postage prepaid, in an envelope addressed to the correspondent of record and the owner of record for Registration No. 2,881,064, as well as to the attorney of record for Petitioner as follows:

DeAnne Ozaki
Universal Music Group
2220 Colorado Avenue
Santa Monica, CA 90404
(correspondent of record/owner of record for Registration No. 2,881,064)

David Donahue, Esq.
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, NY 10017
(attorney of record for Petitioner)

and further certify that the foregoing Registrant's Amended Answer to Petition to Cancel, Affirmative Defenses, and Counterclaim was filed on the same date via the Board's electronic filing system.

/Susan M. Schlesinger/
Susan M. Schlesinger